

## Message Text

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ORIGIN L-03

INFO OCT-01 ARA-10 ISO-00 SAB-02 OPR-02 CPR-02 CIAE-00  
DODE-00 PM-05 H-01 INR-10 NSAE-00 PA-01 SP-02  
SS-15 NSCE-00 SSO-00 ICAE-00 INRE-00 /054 R

DRAFTED BY L/ARA:M.KOZAK:JV  
APPROVED BY L/ARA:M.KOZAK  
L - H.J.HANSELL  
S/AB - D. POPPER  
ARA/PAN - J. HAAHR  
OPR/LS - T. SIERRA (INFO)  
L/T -J. BOYD

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FM SECSTATE WASHDC  
TO AMEMBASSY PANAMA IMMEDIATE

C O N F I D E N T I A L STATE 145923

E.O. 11652:GDS

TAGS: PBOR, PN

SUBJECT: PANAMA CANAL TREATIES: INSTRUMENTS OF RATIFICATION  
  
FOR TAYLOR FROM KOZAK

1. SUMMARY: FINAL APPROVAL OF RATIFICATION DOCUMENTS IS STILL PENDING IN WHITE HOUSE. WHITE HOUSE HAS WITHHELD FINAL DECISION PENDING CONSULTATIONS WITH KEY SENATORS WHICH HAVE JUST BEEN SUCCESSFULLY COMPLETED. WHILE WE NOW HOPE FOR PROMPT FINAL APPROVAL, GIVEN PRESENT TIMEFRAME WE BELIEVE IT WOULD BE USEFUL TO BEGIN WORKING OUT WITH LOPEZ GUEVERRA FINAL TEXT OF DOCUMENTS ON ASSUMPTION THAT NO SIGNIFICANT CHANGES WILL RESULT FROM WHITE HOUSE CLEARANCE PROCESS. LANGUAGE SERVICES HAS REVIEWED TEXTS OF CONFIDENTIAL

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DOCUMENTS WHICH YOU POUCHES AND HAS FOUND SEVERAL MINOR NON-SUBSTANTIVE DISCREPANCIES. REQUEST YOU CONTACT LOPEZ GUEVERRA AND SEEK TO RESOLVE THESE DISCREPANCIES PROMPTLY IN ORDER THAT WE MAY OBTAIN FINAL LANGUAGE SERVICES CERTIFICATION.

2. AS WE ENVISION CEREMONY, THE FOLLOWING DOCUMENTS WOULD BE INVOLVED:

A) ONE BOOK CONTAINING U.S. INSTRUMENT OF RATIFICATION OF

NEUTRALITY TREATY, TO BE SIGNED IN ADVANCE OF THE CEREMONY BY PRESIDENT CARTER, WHICH WOULD BE DELIVERED TO GENERAL TORRIJOS DURING CEREMONY. THIS BOOK WOULD ALSO CONTAIN A SPANISH TRANSLATION OF THE U.S. INSTRUMENT WHICH, WHILE HAVING NO AUTHORITATIVE LEGAL STATUS, WOULD BE PROVIDED FOR CONVENIENCE OF PUBLICATION OF DOCUMENTS IN BOTH LANGUAGES.

0) SIMILAR BOOK CONTAINING U.S. INSTRUMENT FOR PANAMA CANAL TREATY WITH SIMILAR NON-AUTHORITATIVE SPANISH TRANSLATION.

C) BOOK CONTAINING PANAMA'S INSTRUMENT OF RATIFICATION OF NEUTRALITY TREATY, TO BE SIGNED IN ADVANCE BY GENERAL TORRIJOS AND DELIVERED TO PRESIDENT CARTER DURING CEREMONY. NON-AUTHORITATIVE ENGLISH TRANSLATION WOULD BE INCLUDED IN THIS BOOK.

D) BOOK CONTAINING PANAMA'S INSTRUMENT OF RATIFICATION FOR THE PANAMA CANAL TREATY ALONG WITH NON-AUTHORITATIVE ENGLISH TRANSLATION.

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E) TWO BOOKS, EACH CONTAINING ONE ENGLISH AND ONE SPANISH ORIGINAL OF THE PROTOCOL OF EXCHANGE. THESE VERSIONS WOULD BE "ALTERNATS" (I.E., WHEREVER THE UNITED STATES AND THE REPUBLIC OF PANAMA ARE USED IN THE CONJUNCTIVE, THE U.S. WOULD COME FIRST IN ONE ENGLISH VERSION AND PANAMA WOULD COME FIRST IN THE OTHER. ALSO, THE PRESIDENT'S SIGNATURE WOULD COME BEFORE TORRIJOS IN ONE AND TORRIJOS' WOULD COME BEFORE THE PRESIDENT'S IN THE OTHER. THE SPANISH TEXTS WOULD BE SIMILARLY ALTERNATED.) THUS, THERE WILL BE FOUR ORIGINALS OF THE PROTOCOL TO BE SIGNED AT THE CEREMONY, TWO IN ENGLISH AND TWO IN SPANISH.

3. WE HAVE PREPARED SIGNING COPIES OF THE TWO U.S. INSTRU-

MENTS AND THE ENGLISH VERSION OF THE PROTOCOL OF EXCHANGE. WE HAVE ALSO PREPARED ENGLISH TRANSLATIONS OF THE TWO PANAMANIAN INSTRUMENTS, AND ARE PREPARING SPANISH TRANSLATIONS OF THE TWO U.S. INSTRUMENTS. IF PANAMA DESIRES, WE WOULD BE HAPPY TO PREPARE THE SPANISH SIGNING COPIES OF THE PROTOCOL. (I.E., RETYPING TEXT WHICH PANAMA HAS PROVIDED US.) THIS MIGHT PROVE CONVENIENT IN THAT WE CAN PUT IT ON MAGNETIC CARDS IN ORDER THAT RAPID REVISIONS CAN BE MADE IN THE EVENT ANY MINOR DISCREPANCIES SHOULD COME UP IN FINAL COMPARISON PROCESS (SEE BELOW). WE WOULD EXPECT PANAMA TO PREPARE THE SPANISH SIGNING COPIES OF THE TWO PANAMANIAN INSTRUMENTS OF RATIFICATION.

4. WITH RESPECT TO PROCEDURE, WE WOULD SUGGEST THE FOLLOWING: (A) THAT YOU TAKE UP WITH LOPEZ GUEVERRA THE VARIOUS MINOR TRANSLATION DISCREPANCIES SET FORTH BELOW AND RESOLVE THEM PROMPTLY, REPORTING RESULTS BACK TO US. (B) WE WILL REQUEST FINAL LANGUAGE SERVICES CERTIFICATION AND TYPE FINAL VERSION OF ALL DOCUMENTS WE ARE RESPONSIBLE FOR PREPARING. AT THE SAME TIME, PANAMA WOULD FINALIZE SIGNING COPIES OF INSTRUMENTS THEY ARE RESPONSIBLE FOR PREPARING. (C) JOAN VANDERLYKE OF L/ARA WOULD TRAVEL TO CONFIDENTIAL

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PANAMA ON WEDNESDAY OR THURSDAY CARRYING TO YOU ALL SIGNING COPIES PREPARED BY US AS WELL AS DRAFT TEXT OF PANAMANIAN INSTRUMENTS WHICH LANGUAGE SERVICES HAS USED AS BASIS FOR COMPARISON. YOU WOULD THEN MEET WITH LOPEZ GUEVERRA TO REVIEW DOCUMENTS IN ORDER THAT BOTH SIDES MAY SATISFY THEMSELVES THAT SIGNING COPIES PREPARED BY THE OTHER ARE PRECISELY THE SAME AS THE DRAFTS FROM WHICH EACH HAS BEEN WORKING. IF ANY DISCREPANCIES REMAIN, THESE COULD BE RESOLVED THROUGH PHONE CONSULTATION WITH US. MISS VANDERLYKE WILL HAVE NECESSARY TREATY PAPER, MAG CARDS, RIBBONS, ETC., TO PROPERLY FINALIZE ALL DOCUMENTS AND HAVE THEM FULLY READY FOR THE CEREMONY. WE WOULD APPRECIATE IT IF YOU COULD ARRANGE TO HAVE AN IBM MAG II MACHINE AVAILABLE FOR HER USE IN EVENT RETYPE OF DOCUMENTS IS REQUIRED.

5. THE FOLLOWING ARE LANGUAGE SERVICES' COMMENTS ON VARIOUS DOCUMENTS:

A) SPANISH TEXT OF SENATE RESOLUTION OF RATIFICATION OF THE PANAMA CANAL TREATY. (REFERENCES ARE TO PRINTED ENGLISH TEXT OF SENATE RESOLUTION COMPARED WITH SPANISH TEXT WHICH YOU RECEIVED FROM LOPEZ GUEVERRA AND POUCHED TO US).

PAGE 2, LINE 12, 13: (ENGLISH) ...OF THE TREATY AT THE DATE OF TERMINATION OF THE TREATY SHALL BE PAYABLE... (SPANISH) ...OF THE TREATY SHALL BE PAYABLE...

PAGE 4, LINES 10, 11: (ENGLISH) ...OF ARTICLE III FOR THE PRECEDING THREE YEAR PERIOD INCLUDING... (SPANISH) OF THE PRECEDING ARTICLE III, INCLUDING...

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PAGE 5, LINE 10: (ENGLISH) ...CALLED THE PANAMA CANAL COMMISSION... (SPANISH) ...CALLED THE CANAL COMMISSION...

PAGE 5, LINE 12: (ENGLISH) ...FOR THE MANAGEMENT,...

(SPANISH) ...FOR THE HANDLING,...

PAGE 5, LINE 22: (ENGLISH) . . .OR AGREED MINUTE . . .

(SPANISH) ...OR AGREED MINUTES...

THE TEXT OF THE RESERVATIONS AND UNDERSTANDINGS CONTAINED IN THE SENATE RESOLUTION WOULD BE INSERTED IN THE PANAMANIAN INSTRUMENT OF RATIFICATION IN SPANISH. THE SAME TRANSLATION WILL BE USED FOR THE NON-AUTHORITATIVE TRANSLATION WHICH WILL ACCOMPANY THE U.S. INSTRUMENT OF RATIFICATION FOR THIS TREATY AS INDICATED IN PARAGRAPH 2 ABOVE.)

B) SPANISH TEXT OF SENATE RESOLUTION OF RATIFICATION OF THE NEUTRALITY TREATY (REFERENCES ARE TO PRINTED ENGLISH TEXT OF SENATE RESOLUTION COMPARED WITH SPANISH TEXT WHICH YOU RECEIVED FROM LOPEZ GUEVERRA AND POUCHED TO US).

PAGE 2, LINE 6: (ENGLISH) . . ., AGAINST ANY THREAT ...

(SPANISH) ...AGAINST ANY AGGRESSION OR THREAT...

PAGE 3, LINE 10: (ENGLISH) ...IN THE REPUBLIC OF PANAMA...

(SPANISH) IN PANAMA...

PAGE 3, LINE 19: (ENGLISH) ...AND THE UNITED STATES OF AMERICA... (SPANISH) ...AND THE UNITED STATES...

PAGE 4, LINE 3: (ENGLISH) ... OF DEFENSE SITES AFTER ...

(SPANISH) ...OF DEFENSE SITES OF THE UNITED STATES AFTER...

PAGE 5, LINE 1: (ENGLISH) THE PRESIDENT (SPANISH)...THE  
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PRESIDENT OF THE UNITED STATES OF AMERICA...

PAGE 5, LINE 2: (ENGLISH) (A) SHALL HAVE ANNOUNCED, ...  
HIS INTENTION TO TRANSFER ... BEFORE THE DATE OF TERMINATION OF THE PANAMA CANAL TREATY, ... (SPANISH) (A) SHALL  
HAVE ANNOUNCED, ... BEFORE THE TERMINATION OF THE PANAMA  
CANAL TREATY, HIS INTENTION ... TO TRANSFER ...

PAGE 8, LINE 3-4: (ENGLISH) ..., IN THE PROTOCOL RELATING  
TO ... (SPANISH) ...NOR IN THE PROTOCOL RELATING TO ...

C) ENGLISH TRANSLATION OF PANAMANIAN INSTRUMENT OF  
RATIFICATION OF THE PANAMA CANAL TREATY. LANGUAGE SERVICES  
HAS NOTED THE FOLLOWING DISCREPANCIES (REFERENCES ARE TO  
SPANISH TEXT HEADED "DOCUMENTO NO. 5, PANAMA, 5 DE MAYO  
DE 1978" WHICH YOU POUCHED TO US.):

PAGE 1, LINE 6: (ENGLISH) ...OF THE CONSTITUTION

(SPANISH) ...OF ITS POLITICAL CONSTITUTION...

PAGE 2, LINES 1-2: (ENGLISH) ...SUCH AS ARTICLE I, PARAGRAPH 2 AND ARTICLE 2, PARAGRAPH 4, OF... (SPANISH) ...SUCH AS THE ARTICLES I, PARAGRAPH 2, AND 2, PARAGRAPH 4 OF ...

PAGE 2, LINE 15: (ENGLISH) ..., AND SELF DETERMINATION...  
(SPANISH) ... AND FREE DETERMINATION ...

PAGE 3, LINE 1: (ENGLISH) ..., UNDERTAKES TO IMPLEMENT...  
(SPANISH) ... COMMITS ITSELF TO COMPLY WITH IT...

PAGE 3, LINES 2-3: (ENGLISH) ... FURTHER HEREBY WAIVES ...  
(SPANISH) ...FURTHER ... WAIVES...

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THE FIRST TWO MERELY INVOLVE DIFFERENCES IN STYLE IN THE TWO LANGUAGES. WE REQUIRE NO CHANGES IN SPANISH TEXTS. RE THE FIRST, WE WILL ALTER ENGLISH TEXT TO READ "OF ITS CONSTITUTION." WITH RESPECT TO THE THIRD DISCREPANCY, WE WOULD NOTE THAT "SELF DETERMINATION" IS THE COMMON TERM OF ART BUT WOULD FIND IT ACCEPTABLE TO USE "FREE DETERMINATION" IN ENGLISH IF PANAMA PREFERS THAT TERM. SIMILARLY, WITH RESPECT TO THE FOURTH DISCREPANCY NOTED, WE ARE PREPARED TO CONFORM THE ENGLISH TO THE SPANISH TEXT IF PANAMA PREFERS THIS PHRASEOLOGY. WITH RESPECT TO THE FINAL DISCREPANCY NOTED, WE WOULD PROPOSE TO MODIFY BOTH SPANISH AND ENGLISH TO READ "FURTHER HEREBY WAIVES ON BEHALF OF THE REPUBLIC OF PANAMA ..." (WE WILL MAKE SIMILAR CHANGE IN TEXT OF U.S. INSTRUMENT. PURPOSE IS TO MAKE CLEAR THAT HEAD OF GOVERNMENT AND PRESIDENT ARE WAIVING ON BEHALF OF THEIR NATIONS AND NOT IN THEIR PERSONAL CAPACITIES.)

D) SPANISH AND ENGLISH TEXT OF PANAMANIAN INSTRUMENT OF RATIFICATION OF NEUTRALITY TREATY. THE FOLLOWING DISCREPANCIES HAVE BEEN NOTED. (REFERENCES ARE TO SPANISH TEXT HEADED "DOCUMENTO NO. 4, PANAMA, 5 DE MAYO DE 1978: WHICH YOU POUCH TO US.):

PAGE 1, LINE 7: (ENGLISH) ...OF ITS CONSTITUTION...  
(SPANISH) ... OF ITS POLITICAL CONSTITUTION...

PAGE 2, LINES 3-4: (ENGLISH) ...SUCH AS ARTICLE I, PARAGRAPH 2, AND ARTICLE 2, PARAGRAPH 4 ... (SPANISH) ...SUCH AS THE ARTICLES 1, NUMERAL 2, AND 2, NUMERAL 4 ....  
(IN ENGLISH, THE WORD "ARTICLE" IS CAPITALIZED, IN SPANISH TEXT IT IS NOT).

PAGE 2, LINE 17: (ENGLISH) ..., AND SELF-DETERMINATION...  
(SPANISH) ..., AND FREE DETERMINATION...

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PAGE 3, LINE 2: (ENGLISH) ...UNDERTAKES TO IMPLEMENT IT...  
(SPANISH) ...COMMITTS ITSELF...TO COMPLY WITH IT...

SEE OUR COMMENTS UNDER (C) ABOVE.

E) PROTOCOL OF EXCHANGE. TRANSLATION IS PARTICULARLY IMPORTANT WITH RESPECT TO THIS INSTRUMENT, SINCE BOTH TEXTS ARE EQUALLY AUTHENTIC FOR LEGAL PURPOSES. THE FOLLOWING DISCREPANCIES HAVE BEEN NOTED. (REFERENCES ARE TO SPANISH TEXT HEADED "DOCUMENTO NO. 2, PANAMA, 5 DE MAYO DE 1978" WHICH YOU POUCHED TO US):

PAGE 3, LINE 15: (ENGLISH) ...THE MAINTENANCE OF DEFENSE SITES AFTER THAT DATE IN THE REPUBLIC OF PANAMA...  
(SPANISH) ...THE MAINTENANCE IN THE REPUBLIC OF PANAMA OF SITES OF DEFENSE OF THE UNITED STATES OF AMERICA AFTER THAT DATE, ...

PAGE 4, LINES 3-4: (ENGLISH) ...SUCH AS ARTICLE 1, PAR. 2 AND ARTICLE 2, PAR. 4 OF... (SPANISH) ...SUCH AS ARTICLE 1, NUMERAL 2, AND 2, NUMERAL 4 OF ...

WITH RESPECT TO THE FIRST DIFFERENCE NOTED, THE SPANISH MUST BE CHANGED TO CONFORM TO THE ENGLISH TEXT SINCE IT IS A TRANSLATION OF A RESERVATION ADOPTED BY THE SENATE. THE SECOND NOTED DISCREPANCY MERELY INVOLVES STYLISTIC DIFFERENCE BETWEEN THE TWO LANGUAGES AND WE SEE NO REASON TO ALTER IT IN EITHER LANGUAGE. FURTHER, ON LAST LINE OF PAGE 1, REFERENCE TO ARTICLE VII IN BOTH SPANISH AND ENGLISH TEXTS SHOULD BE CHANGED TO "ARTICLE VIII" IN BOTH.

6. WE HAVE ALSO NOTED A NUMBER OF SPELLING AND PUNCTUATION ERRORS IN PANAMANIAN TEXTS WHICH KOZAK WILL RELAY TO  
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TAYLOR BY TELEPHONE.

7. WITH REGARD TO TRANSLATION OF FIRST SENATE RESERVATION TO PANAMA CANAL TREATY, YOU MAY INFORM LOPEZ GUEVERRA THAT "INTEGRIDAD DE LA SOBERANIA" CONSTITUTES AN ACCEPTABLE TRANSLATION OF "SOVEREIGN INTEGRITY."

8. IN PROCESS OF CONSULTING WITH SENATE LEADERS, ONLY ONE SUGGESTION WAS MADE. SFRC STAFF SUGGESTED THAT IN ORDER TO FORSTALL CRITICISM BY OPPONENTS, PHRASE IN SECOND PARAGRAPH OF PROTOCOL PROVIDING FOR ALTERATION OF EFFECTIVE DATE THROUGH MUTUAL AGREEMENT BE MODIFIED TO INDICATE

THAT SUCH AGREEMENTS WOULD BE CONSISTENT WITH TERMS OF

BROOKE RESERVATION. WE CONSIDER THIS SUGGESTION HELPFUL AND REQUEST PANAMA'S CONCURRENCE IN MODIFYING THE PHRASE AS FOLLOWS: "...THAT, UNLESS THE PARTIES OTHERWISE AGREE THROUGH AN EXCHANGE OF NOTES IN CONFORMITY WITH THE RESOLUTION OF THE SENATE OF THE UNITED STATES OF AMERICA OF APRIL 18, 1978, THE EXCHANGE OF INSTRUMENTS SHALL BE EFFECTIVE ...".

9. WE WOULD APPRECIATE IT IF YOU COULD OBTAIN GOP COMMENTS PRIOR TO COB FRIDAY, JUNE 9 IN ORDER THAT WE MAY HAVE TRANSLATORS CERTIFY OVER THE WEEKEND. PLEASE TRANSMIT SPANISH TEXT OF ANY REVISIONS MADE BY LOPEZ GUEVERRA IN RESPONSE TO OUR COMMENTS. WE WILL TRANSMIT TO YOU ASAP SPANISH TRANSLATION OF TWO U.S. INSTRUMENTS OF RATIFICATION FOR REVIEW BY LOPEZ GUEVERRA.

10. ARRANGEMENTS FOR THE SIGNING CEREMONY ITSELF AND THE PROCEDURES TO BE FOLLOWED THERE WILL BE MADE BY THE WHITE HOUSE AND COMMUNICATED THROUGH THE ADVANCE TEAM. VANCE

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<< END OF DOCUMENT >>

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 26 sep 1999  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** TREATY RATIFICATION, DECISION, CANALS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 08 jun 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1978STATE145923  
**Document Source:** ADS  
**Document Unique ID:** 00  
**Drafter:** L/ARA:M.KOZAK:JV  
**Enclosure:** n/a  
**Executive Order:** 11652 GDS  
**Errors:** n/a  
**Expiration:**  
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**Litigation History:**  
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**Office:** ORIGIN L  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 7  
**Previous Channel Indicators:**  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Retention:** 0  
**Review Action:** RELEASED, APPROVED  
**Review Content Flags:**  
**Review Date:** 20 jul 2005  
**Review Event:**  
**Review Exemptions:** n/a  
**Review Media Identifier:**  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**SAS ID:** 2176859  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** PANAMA CANAL TREATIES: INSTRUMENTS OF RATIFICATION  
**TAGS:** PBOR, PN  
**To:** PANAMA  
**Type:** TE  
**vdkgvwkey:** odb://SAS/SAS.dbo.SAS\_Docs/c52d4f7e-c288-dd11-92da-001cc4696bcc  
**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
US Department of State  
EO Systematic Review  
20 Mar 2014  
**Markings:** Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014